

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

S.K.,

Petitioner,

-against-

DANIEL F. MARTUSCELLO, III; DR.
CAROL MOORES; EILEEN GONZALEZ-
RUSSELL; MELINDA SAMUALSON,

Respondents.

24-CV-5390 (CS)

ORDER

CATHY SEIBEL, United States District Judge:

By Order dated September 23, 2024, (ECF No. 8), I concluded that this action, filed as a petition for a writ of habeas corpus, should be recharacterized as a civil rights complaint under 42 U.S.C. § 1983. (ECF No. 8.) I gave Petitioner until October 16, 2024 to either prepay the remainder of the filing fee or submit an *in forma pauperis* application and prisoner authorization form, and until October 23, 2024 to replead her claims. (*Id.*) In the meantime, Petitioner has filed a motion for bail, (ECF Nos. 9-10), which I recharacterize and construe as a motion for a temporary restraining order. Defendants have not yet been served, but as they in all likelihood will be represented by the Attorney General of the State of New York (“OAG”), and because that Office is in all likelihood familiar with Petitioner from other litigation, I direct OAG to respond to the motion no later than October 17, 2024. The Clerk of Court is respectfully directed to send a copy of this Order to: (1) New York State Attorney General, Managing Attorney’s Office, 28

Liberty Street, 16th Floor, New York NY 10005; and (2) Superintendent Eileen Russell, Bedford Hills Correctional Facility, 247 Harris Road, Bedford Hills, NY 10507-2400.

SO ORDERED.

Dated: September 23, 2024
White Plains, New York



CATHY SEIBEL
United States District Judge